

WSDOT GUIDANCE ON WETLAND BUFFERS ACROSS ROADWAYS

WSDOT 8/16/06

Most local governments require protective buffers around jurisdictional wetlands. When these buffers are impacted, local agencies typically require permittees to mitigate for the impacts. When WSDOT proposes a *new* roadway through an existing wetland buffer, local governments regulate the buffer on both sides of the roadway. However, when an *existing* roadway transects a wetland's paper buffer, the existing roadway effectively eliminates any buffer functions that the area on the opposite side of the road could have provided. In other words, the area on the opposite side of an existing roadway from a wetland does not function as a buffer for that wetland. **Therefore, when determining the impacts of a proposed WSDOT project on wetland buffers, WSDOT only considers the areas on the same side of the existing roadway as the wetland as wetland buffer.*** For example, Figure 1 shows a wetland on the south side of an existing east-west-running highway. If WSDOT proposed to widen only the north side of the highway, the project not impact any buffers of that wetland.

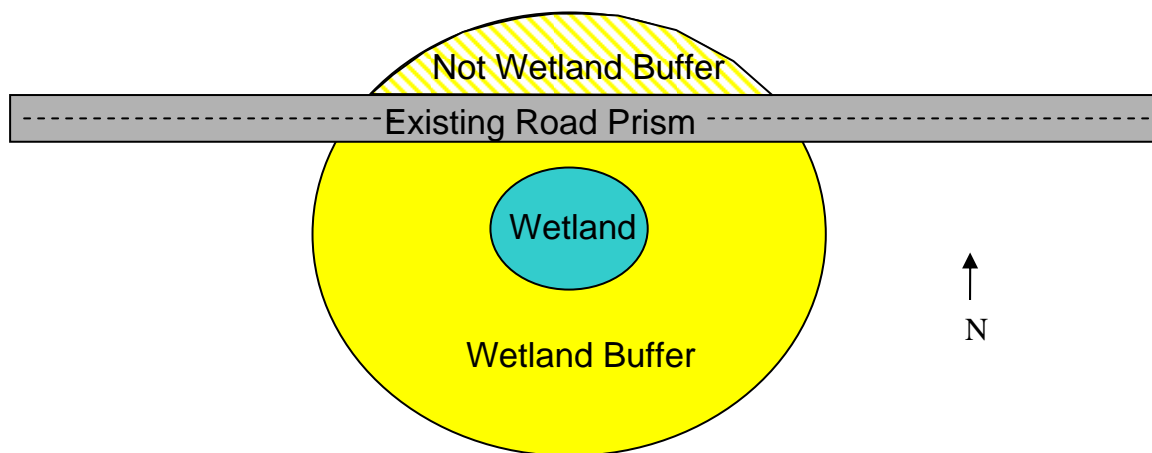


Figure 1. An existing roadway negates the buffering effects that could benefit a wetland on the opposite side of the road. Therefore, wetland buffers (and potential impacts to them) do not extend across an existing roadway.

* Potential exception to this guidance: King County's new critical areas ordinance is the only known ordinance to address buffers across roads. The relevant ordinance follows.

KCC 21A.325.D.4

4. Where a legally established roadway transects a wetland buffer, the department may approve a modification of the minimum required buffer width to the edge of the roadway if the part of the buffer on the other side of the roadway sought to be reduced:
 - a. does not provide additional protection of the proposed development or the wetland; and
 - b. provides insignificant biological, geological or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland.

Note: Many wetlands/roadways will meet the above qualifications for an exception in King Co., necessitating WSDOT to request buffer width modification from the County.